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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/785,601

02/23/2004

Oliver Doeberlin

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21553

7590

02/24/2005

FASSE PATENT ATTORNEYS, P.A.  
P.O. BOX 726  
HAMPDEN, ME 04444-0726

EXAMINER

EDWARDS, ANTHONY Q

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/785,601

Applicant(s)

DOEBERTIN ET AL.

Examiner

Anthony Q. Edwards

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date non-filed to date.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 6,487,280 to Akinbi. Referring to claims 1 and 12, Akinbi discloses a modular communication fixture (see Fig. 1) for installation on board a passenger conveyance, comprising a housing (12), an information terminal and a communication terminal installed in said housing for use by passengers and personnel (see col. 2, lines 1-6), said terminals comprising a control and monitoring section installed in said housing for use by and accessible to personnel (see col. 4, lines 23-25), and a passenger service section installed in said housing for use by passengers (see col. 5, lines 1-4). The installation of the claimed device on a “passenger conveyance” can be carried out by the prior art structure, since the reference teaches “offering a plurality of data manipulating devices in a central location” (see the Background of the Invention). As such, the device of Akinbi can be installed in both static structures (e.g., an airport terminals) and movable or “passenger conveyance” structures (e.g., aircraft cabins, a passenger trains and a passenger ships).

Referring to claim 4, Akinbi discloses a modular communication fixture, further comprising in said housing built-in components including a display screen (22), a touchscreen (see col. 4, lines 26-30), a keyboard (24) and a stool (see Fig. 2), guide means (not numbered) in

said housing for shifting any one of said built-in components between a retracted position and a use-position, and position locks for inherently arresting any one of said built-in components in said retracted position and in said use-position. See Fig. 2, which shows movement of the keyboard from a stored position to an in-use, locked position.

Referring to claim 9, Akinbi discloses a modular communication fixture as claimed. See Figs. 1 and 2 and the corresponding specification.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akinbi in view of U.S. Patent No. 6,475,087 to Cole. Referring to claim 2, Akinbi discloses the invention as claimed, wherein the housing is a frame structure (see Fig. 1) in which the information and communication terminal(s) are installed. Akinbi does not teach providing a door operatively secured the frame structure and an opening functioning as a window in the door. Cole teaches providing an information and communication terminal or apparatus (see Fig. 2), having a door (34) operatively secured a frame structure and an opening (66) functioning as a window in the door.

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the frame of Akinbi with a door operatively secured the frame structure and

an opening functioning as a window in the door, as taught by Cole, since the door of Cole would provide means for accessing the inside of the modular communication fixture of Akinbi for repair purposes or as a privacy structure for a user.

Referring to claim 3, Akinbi in view of Cole disclose a modular communications fixture, wherein the housing (12) is constructed as a built-in fixture installed in a fixed position in said passenger conveyance, said built-in fixture comprising a hinged door (34). See Fig. 2 of Cole.

Referring to claim 5, Akinbi in view of Cole disclose a modular communications fixture, comprising a door (see Fig. 2 of Cole) attached to said housing, built-in components (22, 24, 28) in said housing (see Fig. 2 of Akinbi), an opening (66) in said door, and wherein at least certain of said built-in components are accessible for use through said opening in said door when the door is closed (see Figs. 1 and 3 of Cole).

Referring to claim 10, Akinbi in view of Cole disclose a modular communications fixture installed in an entrance and exit area of said passenger conveyance, and wherein said housing comprises a door (34) openable into said entrance and exit area. As mentioned above, the device of Akinbi can be installed in both static structures (e.g., an airport terminals) and movable or "passenger conveyance" structures (e.g., aircraft cabins, a passenger trains and a passenger ships).

Referring to claim 11, Akinbi in view of Cole disclose a modular communications fixture, comprising a door (34) with a door opening (66) permitting passengers access to said passenger service section. See Fig. 3 and the corresponding specification of Cole.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akinbi in view of U.S. Patent No. 4,478,467 to Tyndall. Referring to claim 6, Akinbi discloses the device

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as claimed, except for comprising a door attached to said housing and convenience components installed in said door. Tyndall teaches providing a door (3) for a portable workshop (see Fig. 3), wherein the door includes convenience components (34) installed therein.

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the a modular communications fixture of Akinbi with the door having convenience components (e.g., shelves) installed therein, as taught by Tyndall, since the device of Tyndall would provide the fixture of Akinbi with an ergonomically efficient privacy structure for a user of the fixture.

Referring to claim 7, Akinbi in view of Tyndall disclose a modular communications fixture, wherein said convenience components comprise a cup holder (34) or mini-bar facility, a work support plate (21) and at least one lamp (13). Although Tyndall does not show all the components located on the door (3), it would have been obvious to one of ordinary skill in the art at the time of the invention rearrange parts where needed, since it has been held that a mere rearrangement of parts involves only routine skill in the art (see *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

#### ***Allowable Subject Matter***

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the specific limitation of the housing having built-in components including at least a keyboard and an open space below said keyboard, as well as a work support plate fitting

into said open space below said keyboard when said door is closed, in combination with the rest of the elements, is not disclosed by the prior art references.

### *Conclusion*

Prior art made of record and not relied upon, but is considered pertinent to applicant's disclosure, is listed on the attached PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 22, 2005  
aqe

  
LYNN FEILD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2835